



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2383-99

31 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 18 December 1981 for six years as an AMS2 (E-5). At the time of your reenlistment, you had completed more than seven years of active duty. You were advanced to AMS1 (E-6) on 16 October 1983.

The record reflects that on 2 November 1987 you were referred for a psychiatric evaluation after returning from two weeks of unauthorized absence (UA). You were diagnosed as having an adjustment disorder with mixed disturbance of emotions and conduct, alcohol dependence and a borderline personality disorder. It was recommended that you be enrolled in level II alcohol treatment and referred to in-patient level III treatment if eligible and if you were deemed to have potential for further service.

On 30 November 1987, you received an adverse enlisted performance evaluation for the period 1 December 1986 to 30 November 1987.

Adverse marks of 2.0 were assigned in the rating categories of "reliability" and "personal behavior", a mark of 2.6 was assigned in "military bearing", and a mark of 2.8 was assigned in "military knowledge/performance. The reporting senior stated that during the past five months your performance had spiraled steadily downward, as evidenced by decreased attention to detail, lack of enthusiasm, careless uniform and personal appearance, repeated tardiness, and extensive indebtedness. You were counseled by various levels of authority, but failed to respond appropriately. The reporting senior noted that you had previously received level II treatment but refused to accept additional level III treatment. He recommended that the command's recommendation for advancement be withdrawn and you be designated ineligible for reenlistment unless you completed medical treatment.

On 10 December 1987 you received nonjudicial punishment (NJP) for four periods of UA totalling about 21 days. Punishment imposed was a reduction in rate to AMS2 (E-5).

Incident to your separation from active duty, you received a second adverse evaluation for the period 1 December 1987 to 8 January 1988. The reporting senior stated that your performance continued to be sporadic and unsatisfactory, and cited additional periods of tardiness and UA. You continued to fail to respond to counseling and displayed a flagrant disregard for authority. You were not recommended for reenlistment. On 8 January 1988, at the expiration of your term of service, you were honorably discharged and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are not recommended for reenlistment. Your contention that the reenlistment code was a result of the NJP and is double punishment is without merit. The Board believed that refusal to accept level III treatment, the reduction in rate at NJP, and the two adverse performance evaluations within one year of the expiration of your enlistment provided sufficient justification for a non-recommendation for retention and assignment of an RE-4 reenlistment code. You have provided neither probative evidence nor a convincing argument in support of your application. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board.

In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director